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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SACRAMENTO

FAIR POLITICAL PRACTICES COMMISSION,	)	Case No. 02AS04545
a state agency,	)	
	)	SECOND AMENDED
Plaintiff,	)	COMPLAINT FOR CIVIL
	)	PENALTIES AND INJUNCTIVE
v.	)	RELIEF UNDER THE POLITICAL
	)	REFORM ACT OF 1974, AS
AGUA CALIENTE BAND OF CAHUILLA	)	AMENDED
INDIANS, and DOES I-XX,	)	
	)	(Government Code §§ 91001(b),
Defendants.	)	91003(a), 91004 and 91005.5)
	)	
	)	UNLIMITED CIVIL ACTION

Plaintiff, FAIR POLITICAL PRACTICES COMMISSION, a state agency, alleges as follows:

1. Plaintiff brings this action in the public interest to enforce the provisions of the Political Reform Act of 1974. (Government Code sections 81000 through 91014.)

**CAMPAIGN DISCLOSURE REQUIREMENTS**

2. An express purpose of the Political Reform Act of 1974 (the "Act"), as set forth in Government Code section 81002, subdivision (a), is to ensure that the contributions and expenditures affecting California election campaigns are fully and truthfully disclosed to the public in order that voters may be fully informed, and improper practices may be inhibited.

1           3.       In furtherance of this purpose of disclosure, the Act sets forth a comprehensive  
2 campaign reporting system, designed to disclose to the public in a timely manner pre-election activity  
3 by major donors to California political candidates and committees. (Gov. Code section 84200, et seq.)

4                               **LOBBYING DISCLOSURE REQUIREMENTS**

5           4.       Another express purpose of the Act, as set forth in Government Code section 81002,  
6 subdivision (b), is to ensure that the activities of lobbyists are regulated, and that their finances are  
7 disclosed, in order that lobbyists do not exert improper influence on public officials.

8           5.       In furtherance of these purposes of regulation and disclosure regarding lobbying  
9 activities, Government Code section 86100, et seq., establishes a registration and reporting system for  
10 lobbyists, lobbying firms, and lobbyist employers. As a part of this system, Government Code section  
11 86116 requires lobbyist employers to file periodic reports about their lobbyist employer activities.  
12 Under section 86116, subdivision (d), these periodic reports shall contain “[a] description of the  
13 specific lobbying interests of the filer.”

14                               **CIVIL ENFORCEMENT**

15           6.       Government Code section 91004 provides that any person who intentionally or  
16 negligently violates any of the reporting requirements of the Act shall be liable in a civil action in an  
17 amount up to the amount(s) not properly reported. Government Code section 91005.5 provides that  
18 any person who violates any provision of the Act, except sections 84305, 84307, and 89001, for which  
19 no specific civil penalty is provided, shall be liable in a civil action for a fine in an amount up to five  
20 thousand dollars (\$5,000) per violation. Government Code section 91003, subdivision (a) provides for  
21 injunctive relief to enjoin violations or compel compliance with the Act. Government Code section  
22 81002 provides that the Act will be vigorously enforced.

23                               **JURISDICTION AND VENUE**

24           7.       This court has original jurisdiction over the amount in controversy in this matter. As the  
25 causes of action in this matter occurred in connection with campaign statements that should have been  
26 filed with the Office of the California Secretary of State (the “Secretary of State”), located in the  
27 County of Sacramento, the County of Sacramento is the proper venue for this action, pursuant to Code  
28 of Civil Procedure section 393.

1 **PARTIES**

2 **PLAINTIFF FAIR POLITICAL PRACTICES COMMISSION**

3 8. Plaintiff Fair Political Practices Commission (the “Commission”) is a state agency  
4 created by the Act. The Commission has primary responsibility for the impartial, effective  
5 administration and implementation of the Act. (Gov. Code section 83111.) Pursuant to Government  
6 Code section 91001, subdivision (b), the Commission is the civil prosecutor for matters involving state  
7 committees and state election campaigns, and is authorized to maintain this action under Government  
8 Code sections 91001, subdivision (b), 91004, 91005 and 91005.5.

9 **DEFENDANT AGUA CALIENTE BAND OF CAHUILLA INDIANS**

10 9. Defendant Agua Caliente Band of Cahuilla Indians (the “Agua Caliente Band”) is a  
11 federally recognized Indian Tribe, and a person as defined in Government Code section 82047.

12 10. On and between January 1, 1998 and June 30, 1998, Defendant Agua Caliente Band  
13 injected itself into the political affairs of the People of the State of California by making campaign  
14 contributions totaling at least \$1,218,413 to California political candidates and committees. Based on  
15 the amount of the contributions known to have been made by Defendant Agua Caliente Band to  
16 California political candidates and committees during that period, Defendant Agua Caliente Band was a  
17 major donor committee under Government Code section 82013, subdivision (c), for the 1998 calendar  
18 year.

19 11. During the 1998 calendar year, from January 1, 1998 to December 31, 1998, Defendant  
20 Agua Caliente Band made contributions totaling at least \$7,510,177.44. In 1998, Defendant Agua  
21 Caliente Band made contributions to statewide ballot initiatives and to more than 140 candidates for  
22 elective state office, including, but not limited to, at least 135 candidates for the Assembly or the  
23 Senate, and candidates for the offices of Governor, Lieutenant Governor, Attorney General, Insurance  
24 Commissioner, State Treasurer, and Secretary of State, and to a candidate for the Board of  
25 Equalization.

26 12. On and between January 1, 2001 and June 30, 2001, Defendant Agua Caliente Band  
27 again injected itself into the political affairs of the People of the State of California by making  
28 contributions totaling at least \$175,250 to California political candidates and committees. Based on the

1 amount of contributions known to have been made by Defendant Agua Caliente Band to California  
2 political candidates and committees during that period, Defendant Agua Caliente Band was a major  
3 donor committee under Government Code section 82013, subdivision (c), for the 2001 calendar year.  
4 During the 2001 calendar year, Defendant Agua Caliente Band made contributions to more than 100  
5 candidates for elective state office, including, but not limited to, candidates for the state Legislature and  
6 for the offices of Governor, Attorney General, State Treasurer, and Secretary of State, and to a  
7 candidate for the Board of Equalization.

8 13. On and between January 1, 2002 and June 30, 2002, Defendant Agua Caliente Band  
9 again injected itself into the political affairs of the People of the State of California by making  
10 contributions totaling at least \$426,000 to California political candidates and committees. Based on the  
11 amount of contributions known to have been made by Defendant Agua Caliente Band to California  
12 political candidates and committees during that period, Defendant Agua Caliente Band has qualified as  
13 a major donor committee under Government Code section 82013, subdivision (c), for the 2002 calendar  
14 year. To date during the 2002 calendar year, Defendant Agua Caliente Band has made contributions to  
15 more than 100 candidates for elective state office, including, but not limited to, candidates for the  
16 Assembly and the Senate, and for the offices of Governor, Attorney General, and State Treasurer, and  
17 to a candidate for the Board of Equalization.

18 14. On and between January 1, 2001 and March 31, 2001, Defendant Agua Caliente Band  
19 contracted for paid services of a lobbying firm for the purpose of influencing legislative or  
20 administrative action. By contracting for said services, Defendant Agua Caliente Band qualified as a  
21 lobbyist employer under Government Code section 82039.5, subdivision (b).

22 DEFENDANTS DOES I-XX

23 15. Defendants DOE I through DOE XX are sued herein under fictitious names. Their true  
24 names and capacities are unknown to Plaintiff. When said true names and capacities are ascertained,  
25 Plaintiff will amend this complaint by inserting their true names and capacities herein. Plaintiff is  
26 informed and believes, and thereon alleges, that each of the fictitiously named Defendants is legally  
27 responsible in some manner for the violations of the Act alleged herein.

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1 **FIRST CAUSE OF ACTION**

2 (TWO VIOLATIONS-FAILURE TO FILE SEMI-ANNUAL CAMPAIGN STATEMENTS)

3 16. Plaintiff re-alleges, and incorporates herein, paragraphs one through fifteen, as though  
4 set forth at length.

5 **FAILURE TO FILE A SEMI-ANNUAL STATEMENT BY JULY 31, 1998**

6 17. Pursuant to Government Code section 84200, Defendant Agua Caliente Band, as a major  
7 donor committee, was required to file a semi-annual campaign statement with the Secretary of State by  
8 July 31, 1998, reporting all of the contributions that it made to California candidates and committees  
9 during the campaign reporting period January 1, 1998 through June 30, 1998.

10 18. Defendant Agua Caliente Band and Defendants Doe I through Doe XX (hereinafter  
11 collectively referred to as "Defendant Agua Caliente Band") made contributions to California  
12 candidates and committees totaling at least \$1,218,413 during the period January 1, 1998 through June  
13 30, 1998.

14 19. Defendant Agua Caliente Band did not file a semi-annual campaign statement with the  
15 Secretary of State, for the January 1, 1998 through June 30, 1998 campaign reporting period, by the  
16 July 31, 1998 due date, in violation of Government Code section 84200. Defendant Agua Caliente  
17 Band filed no campaign statement for the subject reporting period until October 2000, more than two  
18 years after the due date. By this action, Defendant Agua Caliente Band precluded full and timely  
19 disclosure to the public of necessary campaign finance information concerning potential influence on  
20 legislators, statewide elective officers, candidates, and statewide propositions, which was information  
21 that voters could have used to assist them in making informed decisions in subsequent elections.

22 **FAILURE TO FILE A SEMI-ANNUAL STATEMENT BY JANUARY 31, 1999**

23 20. Pursuant to Government Code section 84200, Defendant Agua Caliente Band, as a major  
24 donor committee, was required to file a semi-annual campaign statement with the Secretary of State by  
25 January 31, 1999, reporting all of the contributions that it made to candidates and committees during  
26 the campaign reporting period July 1, 1998 through December 31, 1998.

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21. Defendant Agua Caliente Band made contributions to candidates and committees totaling at least \$6,291,764 during the campaign reporting period July 1, 1998 through December 31, 1998.

22. Defendant Agua Caliente Band did not file a semi-annual campaign statement with the Secretary of State, for the July 1, 1998 through December 31, 1998 reporting period, by the January 31, 1999 due date, in violation of Government Code section 84200. Defendant Agua Caliente Band untimely filed a semi-annual campaign statement for the subject reporting period on March 8, 1999, but only filed a final amended statement on November 27, 2000, nearly two years after the original due date.

## SECOND CAUSE OF ACTION

(ONE VIOLATION-FAILURE TO REPORT A CONTRIBUTION TO A STATEWIDE BALLOT  
MEASURE COMMITTEE ON A SEMI-ANNUAL CAMPAIGN STATEMENT)

23. Plaintiff re-alleges, and incorporates herein, paragraphs one through twenty-two, as though set forth at length.

24. Pursuant to Government Code section 84200, Defendant Agua Caliente Band, as a major donor committee, was required to file a semi-annual campaign statement with the Secretary of State by July 31, 2002, reporting all of the contributions that it made to California candidates and committees during the campaign reporting period January 1, 2002 through June 30, 2002.

25. Pursuant to Government Code section 84211, said semi-annual campaign statement was required to include the total amount of contributions of \$100 or more made by Defendant. Further, for each contribution of \$100 or more to a statewide ballot measure committee, the campaign statement was required to disclose the name of the recipient of the contribution, his or her address, the amount of the contribution, a brief description of the consideration for which the contribution was made, the date of the contribution, the number of the ballot measure, and the jurisdiction in which the ballot measure was being voted upon.

26. Yes on Proposition 51, Conservationists, Farmers, Home Builders, Native Americans, Higher Education, Community Groups Seeking Safe and Reliable Transportation, a Project of the Planning and Conservation League (hereafter “Yes on 51”) was, at all times relevant herein, a state

1 ballot measure committee, primarily formed to support the passage of Proposition 51 in the November  
2 2002 general election. Proposition 51 proposes that sales and use taxes from the sale or lease of motor  
3 vehicles be re-directed to finance specified transportation and other projects. Timely disclosure of the  
4 contributions supporting this measure is therefore especially important, so that voters may be able to  
5 evaluate who might stand to gain from passage of the measure. Among the projects provided for under  
6 Proposition 51 is the expenditure of \$15 million in public funds per fiscal year, for eight years, for a  
7 passenger rail line from Los Angeles to Palm Springs and Indio, that will include a rail terminal on  
8 Ramon Road in the mid-Valley section of the Coachella Valley, and improvements to an existing rail  
9 terminal in Palm Springs. Defendant Agua Caliente Band operates a casino on Ramon Road at Bob  
10 Hope Drive, in the mid-Valley section of the Coachella Valley, and another casino in Palm Springs.

11 27. On or about March 13, 2002, Defendant Agua Caliente Band issued a \$125,000 check,  
12 from its Economic Development fund, made payable to the "Planning & Conservation League." A  
13 voucher attached to the check describes the expenditure as "Ramon/Bob Hope/Train Ter" and as a "2<sup>nd</sup>  
14 Installment."

15 28. On the quarterly campaign statement that it filed electronically on or about July 31,  
16 2002, for the reporting period January 1, 2002 through March 31, 2002, Yes on 51 reported the  
17 \$125,000 check issued by Defendant Agua Caliente Band on March 13, 2002, as a contribution from  
18 "Agua Caliente Band of Cahuilla Indians Economic Development."

19 29. Based on the foregoing, Plaintiff alleges, on information and belief, that on or about  
20 March 13, 2002, Defendant Agua Caliente Band made a contribution of \$125,000, from its Economic  
21 Development fund, designated for Yes on Proposition 51, with the Planning and Conservation League  
22 serving as an intermediary for that contribution. Defendant Agua Caliente Band did not disclose this  
23 contribution or any other statutorily required information regarding it, on Defendant Agua Caliente  
24 Band's semi-annual campaign statement, that was filed on or about July 31, 2002, for the reporting  
25 period January 1, 2002 through June 30, 2002. Further, Defendant Agua Caliente Band misreported the  
26 total amount of the contributions that it made for this reporting period by at least \$125,000.

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1 **THIRD CAUSE OF ACTION**

2 (THIRTEEN VIOLATIONS-FAILURE TO DISCLOSE LATE CONTRIBUTIONS IN LATE  
3 CONTRIBUTION REPORTS)

4 30. Plaintiff re-alleges, and incorporates herein, paragraphs one through twenty-nine, as  
5 though set forth at length.

6 31. Pursuant to Government Code section 84203, subdivision (b), when a major donor  
7 committee makes a late contribution, the major donor committee must file a late contribution report  
8 with the Secretary of State within 24 hours of making the contribution, disclosing the contribution.

9 32. Government Code section 82036 defines a “late contribution” as a contribution  
10 aggregating \$1,000 or more that is received before an election, but after the closing date of the last pre-  
11 election statement that is required to be filed.

12 33. Under Government Code sections 82036, 84200.7 and 84200.8, the late contribution  
13 reporting period prior to an election is the last 16 days before the election.

14 34. A contribution includes a payment for goods and services received by, or made at the  
15 behest of, a committee primarily formed to support or oppose a ballot measure or proposition. (Gov.  
16 Code sections 82015, 82044.) Such contributions of goods and services are denominated, for campaign  
17 reporting purposes, as in-kind contributions. (Gov. Code sections 84203.3, 84300.)

18 35. As set forth herein, from July 1, 1998 through June 30, 2002, Defendant Agua Caliente  
19 Band failed to report at least 13 late contributions totaling in aggregate more than \$1,000,000.

20 **FAILURE TO REPORT A \$41,144.92 LATE CONTRIBUTION BY OCTOBER 21, 1998**

21 36. The late contribution reporting period for the November 3, 1998 general election was  
22 from October 18, 1998 through November 2, 1998, inclusive.

23 37. Yes on Proposition 5, Californians for Indian Self-Reliance was, at all times relevant  
24 herein, a state ballot measure committee, primarily formed to support the passage of Proposition 5 in  
25 the November 1998 general election. Proposition 5, approved by a majority of California voters, set a  
26 record in 1998 as the most expensive initiative campaign to that point in California history, with  
27 \$92,000,000 spent collectively to qualify, support and oppose the initiative. Proposition 5 set the terms  
28 for a model gambling compact between the state and tribes, specifying, among other provisions, that



1 certain gambling activities that are otherwise illegal in California are legal in Indian casinos, including  
2 video slot machines, certain card games, lotteries, raffles, and off-track parimutuel betting, and  
3 included a waiver of the State of California's sovereign immunity. Defendant Agua Caliente Band  
4 contributed more than \$2,300,000 to support the passage of Proposition 5 in 1998, and was among the  
5 top five contributors in support of the initiative.

6 38. On or about October 20, 1998, Defendant Agua Caliente Band made a late in-kind  
7 contribution of \$41,144.92 to the committee, Yes on Proposition 5, Californians for Indian Self-  
8 Reliance.

9 39. After making the \$41,144.92 late in-kind contribution, Defendant Agua Caliente Band  
10 had a duty to disclose the late in-kind contribution in a late contribution report that was required to be  
11 filed with the Secretary of State no later than October 21, 1998. Defendant Agua Caliente Band did not  
12 disclose the \$41,144.92 late in-kind contribution in a late contribution report filed with the Secretary of  
13 State by the October 21, 1998 due date, in violation of Government Code section 84203,  
14 subdivision (a).

15 40. Under the Act's campaign reporting scheme, late contribution reports provide critical  
16 information to the public and the voters regarding 11<sup>th</sup>-hour efforts to influence an election through  
17 large contributions just before an election. By Defendant Agua Caliente Band's actions, the public and  
18 the voters were deprived of this critical information prior to the November 1998 general election.

19 FAILURE TO REPORT A \$151,501.77 LATE CONTRIBUTION BY OCTOBER 22, 1998

20 41. On or about October 21, 1998, Defendant Agua Caliente Band made a late in-kind  
21 contribution of \$151,501.77 to the committee, Yes on Proposition 5, Californians for Indian Self-  
22 Reliance.

23 42. After making the \$151,501.77 late in-kind contribution, Defendant Agua Caliente Band  
24 had a duty to disclose the late in-kind contribution in a late contribution report that was required to be  
25 filed with the Secretary of State no later than October 22, 1998. Defendant Agua Caliente Band did not  
26 disclose the \$151,501.77 late in-kind contribution in a late contribution report filed with the Secretary  
27 of State by the October 22, 1998 due date, in violation of Government Code section 84203,  
28 subdivision (a).

1           43.     Under the Act's campaign reporting scheme, late contribution reports provide critical  
2 information to the public and the voters regarding 11<sup>th</sup>-hour efforts to influence an election through  
3 large contributions just before an election. By Defendant Agua Caliente Band's actions, the public and  
4 the voters were deprived of this critical information prior to the November 1998 general election.

5 FAILURE TO REPORT A \$7,830.60 LATE CONTRIBUTION BY OCTOBER 23, 1998

6           44.     On or about October 22, 1998, Defendant Agua Caliente Band made a late in-kind  
7 contribution of \$7,830.60 to the committee, Yes on Proposition 5, Californians for Indian Self-  
8 Reliance.

9           45.     After making the \$7,830.60 late in-kind contribution, Defendant Agua Caliente Band  
10 had a duty to disclose the late in-kind contribution in a late contribution report that was required to be  
11 filed with the Secretary of State no later than October 23, 1998. Defendant Agua Caliente Band did not  
12 disclose the \$7,830.60 late in-kind contribution in a late contribution report filed with the Secretary of  
13 State by the October 23, 1998 due date, in violation of Government Code section 84203,  
14 subdivision (a).

15           46.     Under the Act's campaign reporting scheme, late contribution reports provide critical  
16 information to the public and the voters regarding 11<sup>th</sup>-hour efforts to influence an election through  
17 large contributions just before an election. By Defendant Agua Caliente Band's actions, the public and  
18 the voters were deprived of this critical information prior to the November 1998 general election.

19 FAILURE TO REPORT A \$121,391.14 LATE CONTRIBUTION BY OCTOBER 30, 1998

20           47.     On or about October 29, 1998, Defendant Agua Caliente Band made a late in-kind  
21 contribution of \$121,391.14 to the committee, Yes on Proposition 5, Californians for Indian Self-  
22 Reliance.

23           48.     After making the \$121,391.14 late in-kind contribution, Defendant Agua Caliente Band  
24 had a duty to disclose the late in-kind contribution in a late contribution report that was required to be  
25 filed with the Secretary of State no later than October 30, 1998. Defendant Agua Caliente Band did not  
26 disclose the \$121,391.14 late in-kind contribution in a late contribution report filed with the Secretary  
27 of State by the October 30, 1998 due date, in violation of Government Code section 84203,  
28 subdivision (a).

1           49.     Under the Act's campaign reporting scheme, late contribution reports provide critical  
2 information to the public and the voters regarding 11<sup>th</sup>-hour efforts to influence an election through  
3 large contributions just before an election. By Defendant Agua Caliente Band's actions, the public and  
4 the voters were deprived of this critical information prior to the November 1998 general election.

5 FAILURE TO REPORT A \$14,396.22 LATE CONTRIBUTION BY OCTOBER 30, 1998

6           50.     On or about October 29, 1998, Defendant Agua Caliente Band made a late in-kind  
7 contribution of \$14,396.22 to the committee, Yes on Proposition 5, Californians for Indian Self-  
8 Reliance.

9           51.     After making the \$14,396.22 late in-kind contribution, Defendant Agua Caliente Band  
10 had a duty to disclose the late in-kind contribution in a late contribution report that was required to be  
11 filed with the Secretary of State no later than October 30, 1998. Defendant Agua Caliente Band did not  
12 disclose the \$14,396.22 late in-kind contribution in a late contribution report filed with the Secretary of  
13 State by the October 30, 1998 due date, in violation of Government Code section 84203,  
14 subdivision (a).

15           52.     Under the Act's campaign reporting scheme, late contribution reports provide critical  
16 information to the public and the voters regarding 11<sup>th</sup>-hour efforts to influence an election through  
17 large contributions just before an election. By Defendant Agua Caliente Band's actions, the public and  
18 the voters were deprived of this critical information prior to the November 1998 general election.

19 FAILURE TO REPORT A \$13,927.70 LATE CONTRIBUTION BY OCTOBER 30, 1998

20           53.     On or about October 29, 1998, Defendant Agua Caliente Band made a late in-kind  
21 contribution of \$13,927.70 to the committee, Yes on Proposition 5, Californians for Indian Self-  
22 Reliance.

23           54.     After making the \$13,927.70 late in-kind contribution, Defendant Agua Caliente Band  
24 had a duty to disclose the late in-kind contribution in a late contribution report that was required to be  
25 filed with the Secretary of State no later than October 30, 1998. Defendant Agua Caliente Band did not  
26 disclose the \$13,927.70 late in-kind contribution in a late contribution report filed with the Secretary of  
27 State by the October 30, 1998 due date, in violation of Government Code section 84203,  
28 subdivision (a).

1           55.     Under the Act's campaign reporting scheme, late contribution reports provide critical  
2 information to the public and the voters regarding 11<sup>th</sup>-hour efforts to influence an election through  
3 large contributions just before an election. By Defendant Agua Caliente Band's actions, the public and  
4 the voters were deprived of this critical information prior to the November 1998 general election.

5 FAILURE TO REPORT AN \$8,820.00 LATE CONTRIBUTION BY OCTOBER 30, 1998

6           56.     On or about October 29, 1998, Defendant Agua Caliente Band made a late in-kind  
7 contribution of \$8,820.00 to the committee, Yes on Proposition 5, Californians for Indian Self-  
8 Reliance.

9           57.     After making the \$8,820.00 late in-kind contribution, Defendant Agua Caliente Band  
10 had a duty to disclose the late in-kind contribution in a late contribution report that was required to be  
11 filed with the Secretary of State no later than October 30, 1998. Defendant Agua Caliente Band did not  
12 disclose the \$8,820.00 late in-kind contribution in a late contribution report filed with the Secretary of  
13 State by the October 30, 1998 due date, in violation of Government Code section 84203,  
14 subdivision (a).

15           58.     Under the Act's campaign reporting scheme, late contribution reports provide critical  
16 information to the public and the voters regarding 11<sup>th</sup>-hour efforts to influence an election through  
17 large contributions just before an election. By Defendant Agua Caliente Band's actions, the public and  
18 the voters were deprived of this critical information prior to the November 1998 general election.

19 FAILURE TO REPORT A \$642,871.43 LATE CONTRIBUTION BY OCTOBER 31, 1998

20           59.     On or about October 30, 1998, Defendant Agua Caliente Band made a late in-kind  
21 contribution of \$642,871.43 to the committee, Yes on Proposition 5, Californians for Indian Self-  
22 Reliance.

23           60.     After making the \$642,871.43 late in-kind contribution, Defendant Agua Caliente Band  
24 had a duty to disclose the late in-kind contribution in a late contribution report that was required to be  
25 filed with the Secretary of State no later than October 31, 1998. Defendant Agua Caliente Band did not  
26 disclose the \$642,871.43 late in-kind contribution in a late contribution report filed with the Secretary  
27 of State by the October 31, 1998 due date, in violation of Government Code section 84203,  
28 subdivision (a).

1           61.     Under the Act's campaign reporting scheme, late contribution reports provide critical  
2 information to the public and the voters regarding 11<sup>th</sup>-hour efforts to influence an election through  
3 large contributions just before an election. By Defendant Agua Caliente Band's actions, the public and  
4 the voters were deprived of this critical information prior to the November 1998 general election.

5 FAILURE TO REPORT A \$20,000.00 LATE CONTRIBUTION BY NOVEMBER 3, 1998

6           62.     Carl Washington for Assembly was, at all times relevant herein, a candidate-controlled  
7 committee supporting the election of Carl Washington to the state Assembly in the November 1998  
8 general election.

9           63.     On or about November 2, 1998, Defendant Agua Caliente Band made a late contribution  
10 of \$20,000.00 to the committee, Carl Washington for Assembly.

11           64.     After making the \$20,000.00 late contribution, Defendant Agua Caliente Band had a  
12 duty to disclose the late contribution in a late contribution report that was required to be filed with the  
13 Secretary of State no later than November 3, 1998. Defendant Agua Caliente Band did not disclose the  
14 \$20,000.00 late contribution in a late contribution report filed with the Secretary of State by the  
15 November 3, 1998 due date, in violation of Government Code section 84203, subdivision (a).

16           65.     Under the Act's campaign reporting scheme, late contribution reports provide critical  
17 information to the public and the voters regarding 11<sup>th</sup>-hour efforts to influence an election through  
18 large contributions just before an election. By Defendant Agua Caliente Band's actions, the public and  
19 the voters were deprived of this critical information prior to the November 1998 general election.

20 FAILURE TO REPORT A \$10,000.00 LATE CONTRIBUTION BY MARCH 2, 2001

21           66.     The late contribution reporting period for the March 6, 2001 special election was from  
22 February 18, 2001 through March 5, 2001, inclusive.

23           67.     The California State Democratic Central Committee was, at all times relevant herein, a  
24 state general-purpose committee within the meaning of the Act.

25           68.     On or about March 1, 2001, Defendant Agua Caliente Band made a late contribution of  
26 \$10,000.00 to the California State Democratic Central Committee.

27           69.     After making the \$10,000.00 late contribution, Defendant Agua Caliente Band had a  
28 duty to disclose the late contribution in a late contribution report that was required to be filed with the

1 Secretary of State no later than March 2, 2001. Defendant Agua Caliente Band did not disclose the  
2 \$10,000.00 late contribution in a late contribution report filed with the Secretary of State by the  
3 March 2, 2001 due date, in violation of Government Code section 84203, subdivision (a).

4 70. Under the Act's campaign reporting scheme, late contribution reports provide critical  
5 information to the public and the voters regarding 11<sup>th</sup>-hour efforts to influence an election through  
6 large contributions just before an election. By Defendant Agua Caliente Band's actions, the public and  
7 the voters were deprived of this critical information prior to the March 2001 special election.

8 FAILURE TO REPORT A \$10,000.00 LATE CONTRIBUTION BY OCTOBER 26, 2001

9 71. The late contribution reporting period for the November 6, 2001 general election was  
10 from October 21, 2001 through November 5, 2001, inclusive.

11 72. California Voter Registration 2002 was, at all times relevant herein, a state general-  
12 purpose committee within the meaning of the Act.

13 73. On or about October 25, 2001, Defendant Agua Caliente Band made a late contribution  
14 of \$10,000.00 to California Voter Registration 2002.

15 74. After making the \$10,000.00 late contribution, Defendant Agua Caliente Band had a  
16 duty to disclose the late contribution in a late contribution report that was required to be filed with the  
17 Secretary of State no later than October 26, 2001. Defendant Agua Caliente Band did not disclose the  
18 \$10,000.00 late contribution in a late contribution report filed with the Secretary of State by the  
19 October 26, 2001 due date, in violation of Government Code section 84203, subdivision (a).

20 75. Under the Act's campaign reporting scheme, late contribution reports provide critical  
21 information to the public and the voters regarding 11<sup>th</sup>-hour efforts to influence an election through  
22 large contributions just before an election. By Defendant Agua Caliente Band's actions, the public and  
23 the voters were deprived of this critical information prior to the November 2001 general election.

24 FAILURE TO REPORT A \$10,000.00 LATE CONTRIBUTION BY FEBRUARY 22, 2002

25 76. The late contribution reporting period for the March 5, 2002 primary election was from  
26 February 17, 2002 through March 4, 2002, inclusive.

27 77. The California Empowerment Project was, at all times relevant herein, a state general-  
28 purpose committee within the meaning of the Act.

1           78.     On or about February 21, 2002, Defendant Agua Caliente Band made a late contribution  
2 of \$10,000.00 to the committee, California Empowerment Project.

3           79.     After making the \$10,000.00 late contribution, Defendant Agua Caliente Band had a  
4 duty to disclose the late contribution in a late contribution report that was required to be filed with the  
5 Secretary of State no later than February 22, 2002. Defendant Agua Caliente Band did not disclose the  
6 \$10,000.00 late contribution in a late contribution report filed with the Secretary of State by the  
7 February 22, 2002 due date, in violation of Government Code section 84203, subdivision (a).

8           80.     Under the Act's campaign reporting scheme, late contribution reports provide critical  
9 information to the public and the voters regarding 11<sup>th</sup>-hour efforts to influence an election through  
10 large contributions just before an election. By Defendant Agua Caliente Band's actions, the public and  
11 the voters were deprived of this critical information prior to the March 2002 primary election.

12 FAILURE TO REPORT A \$30,000.00 LATE CONTRIBUTION BY FEBRUARY 22, 2002

13           81.     The California Republican Party was, at all times relevant herein, a state general-  
14 purpose committee within the meaning of the Act.

15           82.     On or about February 21, 2002, Defendant Agua Caliente Band made two contributions  
16 for an aggregate late contribution of \$30,000.00 to the committee, the California Republican Party.

17           83.     After making the \$30,000.00 late contribution, Defendant Agua Caliente Band had a  
18 duty to disclose the late contribution in a late contribution report that was required to be filed with the  
19 Secretary of State no later than February 22, 2002. Defendant Agua Caliente Band did not disclose the  
20 \$30,000.00 late contribution in a late contribution report filed with the Secretary of State by the  
21 February 22, 2002 due date, in violation of Government Code section 84203, subdivision (a).

22           84.     Under the Act's campaign reporting scheme, late contribution reports provide critical  
23 information to the public and the voters regarding 11<sup>th</sup>-hour efforts to influence an election through  
24 large contributions just before an election. By Defendant Agua Caliente Band's actions, the public and  
25 the voters were deprived of this critical information prior to the March 2002 primary election.

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1 **FOURTH CAUSE OF ACTION**

2 (FOUR VIOLATIONS-FAILURE TO REPORT SPECIFIC LOBBYING INTERESTS)

3 85. Plaintiff re-alleges, and incorporates herein, paragraphs one through eighty- four, as  
4 though set forth at length.

5 86. Pursuant to Government Code section 86116, Defendant Agua Caliente Band, as a  
6 “lobbyist employer,” was required by Government Code section 86116 to file periodic reports with the  
7 Secretary of State. Under subdivision (d) of Government Code section 86116, said periodic reports are  
8 required to include a “description of the specific lobbying interests” of Defendant Agua Caliente Band.  
9 Said description must include the identification number or a brief description of each bill and/or  
10 administrative action that is the subject of lobbying efforts on behalf of Defendant Agua Caliente Band.

11 **FAILURE TO DISCLOSE SPECIFIC LOBBYING INTERESTS IN THE QUARTERLY LOBBYIST**  
12 **EMPLOYER REPORT FILED ON APRIL 26, 2001**

13 87. On April 26, 2001, Defendant Agua Caliente Band filed a quarterly lobbyist employer  
14 report with the Secretary of State for the reporting period January 1, 2001 through March 31, 2001.

15 88. In the quarterly lobbyist employer report that it filed with the Secretary of State on  
16 April 26, 2001, Defendant Agua Caliente Band failed to include a description of its specific lobbying  
17 interests, in violation of Government Code section 86116, subdivision (d).

18 89. Because Defendant Agua Caliente Band failed to disclose the specific lobbying interests  
19 toward which it focused its lobbying efforts, as required by Government Code section 86116,  
20 subdivision (d), the voters of the State of California were unable to correlate Defendant Agua Caliente  
21 Band’s campaign contribution information with the interests being lobbied by Defendant Agua Caliente  
22 Band.

23 **FAILURE TO DISCLOSE SPECIFIC LOBBYING INTERESTS IN THE QUARTERLY LOBBYIST**  
24 **EMPLOYER REPORT FILED ON JULY 24, 2001**

25 90. On July 24, 2001, Defendant Agua Caliente Band filed a quarterly lobbyist employer  
26 report with the Secretary of State for the reporting period April 1, 2001 through June 30, 2001.

27 91. In the quarterly lobbyist employer report that it filed with the Secretary of State on  
28



1 July 24, 2001, Defendant Agua Caliente Band failed to include a description of its specific lobbying  
2 interests, in violation of Government Code section 86116, subdivision (d).

3 92. Because Defendant Agua Caliente Band failed to disclose the specific lobbying interests  
4 toward which it focused its lobbying efforts, as required by Government Code section 86116,  
5 subdivision (d), the voters of the State of California were unable to correlate Defendant Agua Caliente  
6 Band's campaign contribution information with the interests being lobbied by Defendant Agua Caliente  
7 Band.

8 FAILURE TO DISCLOSE SPECIFIC LOBBYING INTERESTS IN THE QUARTERLY LOBBYIST  
9 EMPLOYER REPORT FILED ON OCTOBER 16, 2001

10 93. On October 16, 2001, Defendant Agua Caliente Band filed a quarterly lobbyist employer  
11 report with the Secretary of State for the reporting period July 1, 2001 through September 30, 2001.

12 94. In the quarterly lobbyist employer report that it filed with the Secretary of State on  
13 October 16, 2001, Defendant Agua Caliente Band failed to include a description of its specific lobbying  
14 interests, in violation of Government Code section 86116, subdivision (d).

15 95. Because Defendant Agua Caliente Band failed to disclose the specific lobbying interests  
16 toward which it focused its lobbying efforts, as required by Government Code section 86116,  
17 subdivision (d), the voters of the State of California were unable to correlate Defendant Agua Caliente  
18 Band's campaign contribution information with the interests being lobbied by Defendant Agua Caliente  
19 Band.

20 FAILURE TO DISCLOSE SPECIFIC LOBBYING INTERESTS IN THE QUARTERLY LOBBYIST  
21 EMPLOYER REPORT FILED ON JANUARY 9, 2002

22 96. On January 9, 2002, Defendant Agua Caliente Band filed a quarterly lobbyist employer  
23 report with the Secretary of State for the reporting period October 1, 2001 through December 31, 2001.

24 97. In the quarterly lobbyist employer report that it filed with the Secretary of State on  
25 January 9, 2002, Defendant Agua Caliente Band failed to include a description of its specific lobbying  
26 interests, in violation of Government Code section 86116, subdivision (d).

27 98. Because Defendant Agua Caliente Band failed to disclose the specific lobbying interests  
28 toward which it focused its lobbying efforts, as required by Government Code section 86116,

subdivision (d), the voters of the State of California were unable to correlate Defendant Agua Caliente Band's campaign contribution information with the interests being lobbied by Defendant Agua Caliente Band. Had Defendant Agua Caliente Band accurately reported its specific lobbying interests as required by the statute, the public would have been informed of its activities in lobbying the Governor's office, the Attorney General's office, and the Legislature concerning numerous bills pertaining to issues including, but not limited to, gaming, internet gambling, sacred lands and other issues.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

**FIRST CAUSE OF ACTION**

1. For statutory penalties against Defendant Agua Caliente Band of Cahuilla Indians, payable to the "General Fund of the State of California," according to proof, in an amount up to the amount not properly reported, as permitted by Government Code section 91004;
2. For the costs of suit herein;
3. For such other and further relief as the Court may deem proper.

**SECOND CAUSE OF ACTION**

1. For statutory penalties against Defendant Agua Caliente Band of Cahuilla Indians, payable to the "General Fund of the State of California," according to proof, in an amount up to the amount not properly reported, as permitted by Government Code section 91004;
2. For an injunction commanding that Defendant Agua Caliente Band of Mission Indians immediately file an amended, accurate semi-annual campaign statement for the reporting period January 1, 2002 through June 30, 2002;
3. For the costs of suit herein;
4. For such other and further relief as the Court may deem proper.

**THIRD CAUSE OF ACTION**

1. For statutory penalties against Defendant Agua Caliente Band of Cahuilla Indians, payable to the "General Fund of the State of California," according to proof, in an amount up to the amount not properly reported, as permitted by Government Code section 91004;
2. For the costs of suit herein;

3. For such other and further relief as the Court may deem proper.

FOURTH CAUSE OF ACTION

1. For statutory penalties against Defendant Agua Caliente Band of Mission Indians, payable to the "General Fund of the State of California," according to proof, in an amount up to five thousand dollars (\$5,000) per violation, as permitted by Government Code section 91005.5;

2. For an injunction commanding that Defendant Agua Caliente Band of Mission Indians immediately file in the verified form specified by Commission regulations, accurate amended lobbyist employer statements for 2001;

3. For the costs of suit herein;

4. For such other and further relief as the Court may deem proper.

STEVEN BENITO RUSSO  
Chief of Enforcement  
LUISA MENCHACA  
General Counsel  
WILLIAM L. WILLIAMS, JR.  
Commission Counsel  
HOLLY B. ARMSTRONG  
Commission Counsel  
Attorneys for Plaintiff

Dated: October \_\_, 2002

By: \_\_\_\_\_  
Steven Benito Russo  
Chief of Enforcement